

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILSON JUNIOR VELEZ-SANTIAGO	:	CIVIL ACTION
<i>Plaintiff</i>	:	
	:	
v.	:	NO. 25-CV-0563
	:	
ARAMARK CORRECTIONAL SERVICES, <i>et al.</i>,	:	
<i>Defendants</i>	:	

ORDER

AND NOW, this 11th day of April, 2025, upon consideration of Plaintiff Wilson Junior Velez-Santiago's *Motion to Proceed In Forma Pauperis*, (ECF 1), Prisoner Trust Fund Account Statement, (ECF No. 3), and *pro se* Complaint, (ECF 2), it is hereby **ORDERED** that:

1. The motion for leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Wilson Junior Velez-Santiago, # 0070317, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Chester County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Velez-Santiago's inmate account; or (b) the average monthly balance in Velez-Santiago's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Velez-Santiago's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Velez-Santiago's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Chester County Prison.

4. The Complaint is **DEEMED** filed.

5. For the reasons set forth in the accompanying Memorandum, Velez-Santiago's official capacity claims against the Aramark Prison Supervisor (identified as a "John or Jane Doe") are **DISMISSED, with prejudice**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

6. For the reasons set forth in the accompanying Memorandum, Velez-Santiago's claims against Defendants Director Morroney, Warden Howard Holland, PrimeCare Medical, Inc., and Nurse Melissa, are **DISMISSED, without prejudice**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

7. The Clerk of Court is **DIRECTED** to send Velez-Santiago a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

8. Velez-Santiago is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claim against Director Morroney, Warden Howard Holland, PrimeCare Medical, Inc., and Nurse Melissa. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Velez-Santiago's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 25-563. If Velez-Santiago files an amended complaint, his amended complaint must be a complete document that includes all of

the bases for Velez-Santiago's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. ***This means that if Velez-Santiago files an amended complaint, he must reallege the claims against the Defendants who were not dismissed, including all supporting factual allegations, or those claims will be deemed to have been abandoned.*** When drafting his amended complaint, Velez-Santiago should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

9. If Velez-Santiago does not file an amended complaint the Court will direct service of his initial Complaint on Defendants Aramark Correctional Services (in its individual capacity only), the Aramark Prison Supervisor ("John or Jane Doe"), the Aramark Lead Worker ("John or Jane Doe"), and J. Massy. Velez-Santiago may also notify the Court that he seeks to proceed on these claims rather than file an amended complaint. If he files such a notice, Velez-Santiago is reminded to include the case number for this case, 25-563.

10. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court